



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.              | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------|-------------|----------------------|---------------------|------------------|
| 10/795,986                   | 03/10/2004  | Yehuda Binder        | BINDER=15B          | 2193             |
| 1444                         | 7590        | 08/10/2005           | EXAMINER            |                  |
| BROWDY AND NEIMARK, P.L.L.C. |             |                      | BOAKYE, ALEXANDER O |                  |
| 624 NINTH STREET, NW         |             |                      |                     |                  |
| SUITE 300                    |             |                      | ART UNIT            |                  |
| WASHINGTON, DC 20001-5303    |             |                      | PAPER NUMBER        |                  |
|                              |             |                      | 2667                |                  |

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/795,986

Applicant(s)

BINDER, YEHUDA

Examiner

ALEXANDER BOAKYE

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36-81 is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03/10/04, 10/25/04, 4/14/05, 5/19/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### ***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-17 are provisionally rejected under the judicially created doctrine of double patenting over claim 68 of copending Application No. 10/178,223. This is a provisional double patenting rejection since the conflicting claims have not yet been patented. The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: Both applications recite a wiring connector for connecting the device to the wiring; a modem coupled to the data signal port for bi-directional digital data signal communication with the wiring; a data interface connector coupled to the modem for connecting to the data unit; a power

Art Unit: 2667

supply coupled to the wiring connector and to the modem to be powered by the power signal from the wiring and for powering the modem with the only difference between the claim of the copending application and the claims of the instant application being that the claim of the copending application recites power line wiring carrying frequency multiplexed power while the claims of the instant application do not anticipate such limitation. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate power line wiring carrying frequency multiplexed power with the motivation being that it provides capability for the system to share channel, thus enhancing efficiency.

Claims 18-35 are provisionally rejected under the judicially created doctrine of double patenting over claim 116 of copending Application No. 10/178,223. This is a provisional double patenting rejection since the conflicting claims have not yet been patented. The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: Both applications recite first and second ports each connected to a respective one of the first and second wiring segments; first and second modems each coupled to the data signal port of a respective one of the first and second data; at least one data interface connector coupled to at least one of the modems and operative for establishing a data signal connection with a data unit with the only difference between the claim of the copending application and the claims of the instant application being that the claim of the copending application

recites power line wiring carrying frequency domain multiplexed power while the claims of the instant application do not anticipate such limitation. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate power line wiring carrying frequency multiplexed power with the motivation being that it provides capability for the system to share channel, thus enhancing efficiency. Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application.

***Allowable Subject Matter***

**2. Claims 36-51 and 52-67 are allowable**

The following is a statement of reasons for the indication of allowable subject matter: As to claims 36-51, the prior art of record does not teach at least one of the wiring segments simultaneously carries both data and power signals; the first communication link carries data independent of the second communication link; at least a second one of the nodes is powered by a power signal carried over a wiring segment connected to the second one of the nodes.

As to claims 52-67, the prior art of record does not teach first and second wiring segments, each wiring segment comprising at least two conductors; wherein each of the wiring segments connects exactly two of the nodes in a point-to-point connection, at least one of the nodes is connectable to the analog device for coupling the serial digital

Art Unit: 2667

data carried over at least one of the wiring segments to the analog device, the analog device is a sensor or an actuator, and each of the nodes is addressable in the network.

As to claims 68-81, the prior art of record does not teach a second modem including a transmitter and a receiver coupled to the second connector for serial full-duplex communication of a digital data signal with an identical modem over the second wiring segment; a controller comprising a processor and firmware coupled to the first and second modems and an interface coupled to the controller and connectable to the analog sensor or actuator, for coupling the digital data signal carried over the first wiring segment to the analog sensor or actuator.

### Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (571) 272-3179. The Central Fax Number is (571) 273-8300. Any inquiry of general nature or relating to the status of this application or proceeding should be directed to Electronic Business Center numbers 866-217-9197 and 703-305-3028.

Alexander Boakye

Patent Examiner

AB

8/05/05

  
CHI PHAM  
SUPERVISORY PATENT EXAMINE  
TECHNOLOGY CENTER 2667 8/8/05